



PUBLIC NOTICE

Federal Communications Commission
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DA 05-3035

Released: November 25, 2005

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ASSOCIATION OF AMERICAN RAILROADS PETITION FOR CONSOLIDATION OF LICENSES HELD BY MEMBER RAILROADS INTO A NATIONWIDE GEOGRAPHIC AREA LICENSE

Comment Date: December 27, 2005

Reply Comment Date: January 11, 2006

On September 9, 2005, the Association of American Railroads (AAR), a non-profit organization representing the U.S. railroad industry, filed a petition to consolidate all of the site-specific licenses currently held by AAR member railroads authorizing use of frequencies 160.215-161.565 MHz (VHF) and 452/457.900-452/457.96875 MHz (*i.e.*, frequencies designated "LR" in Section 90.35(b) of the Commission's Rules, 47 C.F.R. § 90.35(b), meaning that the concurrence of the railroad frequency coordinator (AAR) is required before another private land mobile radio frequency coordinator may recommend use of those frequencies).¹ AAR proposes to consolidate the licenses into a single geographic area license for those frequencies, to be held by AAR.² The geographic area covered by the license would be defined as a 95-mile zone along either side of the rights-of-way of all operating rail lines in the United States. If its petition is granted, AAR would keep track of individual railroad radio station operation (base, mobile, portable, etc.) through a computerized database that it would make accessible to the Commission and all Commission-recognized frequency coordinators via the Internet. AAR contends that this proposed geographic area license approach is the same as that used for AAR's authorizations for Advance Train Control System (ATCS) stations (*i.e.*, stations operating on the six 900 MHz ATCS frequencies).³

In support of this request, AAR states that it and its member railroads have devised a plan to transition to 12.5 kHz technology by the Commission-required date (January 1, 2013).⁴ The plan mainly concerns the VHF band (the primary band for railroad communications), and calls for arranging the

¹ Approximately 6,000 separate call signs covering around 16,000 base stations and 170,000 mobile/portable radios.

² In conjunction with the petition, applications have been filed to assign the licenses from the member railroads to AAR. *See, e.g.*, FCC File No. 0002282007 (filed Sept. 9, 2005). AAR states, however, that it seeks Commission consent to the assignments only if the consolidation petition is granted.

³ *See* Petition of Association of American Railroads (AAR) for Modification of Licenses For Use in Advanced Train Control Systems and Positive Train Control Systems, *Order*, 16 FCC Rcd 3078 (WTB PSPWD 2001).

⁴ *See* 47 C.F.R. § 90.209(b)(5); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, 19 FCC Rcd 25045 (2004).

existing 181 VHF channels into 80 trunked⁵ duplex⁶ channel pairs, 5 non-trunked channel pairs and 11 simplex⁷ channels. (A copy of the band plan is attached to AAR's petition.) AAR states that managing this conversion will be an enormously complex and difficult task for both the railroad industry and the Commission. It contends that consolidating thousands of railroad site-specific licenses into a single geographic area license will greatly facilitate the efficient conversion to narrowband operations by streamlining licensing (*e.g.*, eliminating the need to file thousands of modification applications) and affording the railroad industry greater flexibility in managing the transition (*e.g.*, making it easier to shuffle channels in order to find "green space" to deploy the new narrowband network).⁸ In addition, AAR states that there are significant public safety benefits to converting to a single geographic area license (*e.g.*, improvements to the safety of train operations in general and the protection from radio interference).⁹

Finally, AAR notes that a number of non-railroad entities have been licensed for the frequencies in question. It states that under the geographic area license approach requested, these licensees would be protected (*i.e.*, AAR would be granted an overlay geographic area license).¹⁰ AAR, however, requests that a moratorium be imposed regarding the use of these "railroad" channels by new non-railroad entities until January 1, 2013.¹¹

Interested parties may file comments on AAR's petition on or before December 27, 2005. Parties interested in submitting reply comments must do so on or before January 11, 2006. All comments should reference the subject request including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.¹²

The applications and petition can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the petition and comments and reply comments filed pursuant to this Public Notice will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor,

⁵ Trunking is a technology that provides the ability to search two or more available channels and automatically assign the user an open channel.

⁶ A channel consisting of two frequencies.

⁷ A channel consisting of one frequency.

⁸ AAR petition at 11.

⁹ AAR petition at 12.

¹⁰ AAR petition at 10.

¹¹ *Id.*

¹² This address for FCC filings should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

Best Copy and Printing, Inc. (BCPI), Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its web site, <http://www.bcpiweb.com>, by email at fcc@bcpiweb.com, by telephone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Mr. Thomas Eng, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0019, TTY (202) 418-7233, or via email to Thomas.Eng@fcc.gov.

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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